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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,176	06/06/2005	Gary Lawrence French	IMA-031.01	1966
25181	7590	03/31/2009		
FOLEY HOAG, LLP PATENT GROUP, WORLD TRADE CENTER WEST 155 SEAPORT BLVD BOSTON, MA 02110			EXAMINER BERTAGNA, ANGELA MARIE	
			ART UNIT	PAPER NUMBER
			1637	
			MAIL DATE	DELIVERY MODE
			03/31/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./CONTROL NO. 09914176	FILING DATE 6/6/2005	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION FRENCH ET AL.	ATTORNEY DOCKET NO. IMA-031.01
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EXAMINER
ANGELA BERTAGNAART UNIT
1637
PAPER
20090318

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/ebs/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
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Alexandria, VA 22313 1450
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Angela Bertagna at telephone number (571)272-8291. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on 571-272-0782.

/Cynthia B. Wilder/
Examiner, Art Unit 1637

Notice to Comply	Application No. 09914176	Applicant(s) FRENCH ET AL.	
	Examiner ANGELA BERTAGNA	Art Unit 1637	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951
For CRF Submission Help, call (571) 272-2510
PatentIn Software Program Support
Technical Assistance: 1-866-217-9197 or 703-305-3028 or 571-272-6845
PatentIn Software is Available At www.USPTO.gov

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

/Cynthia B. Wilder/
Examiner, Art Unit 1637

=====

Sequence Listing could not be accepted due to errors.

See attached Validation Report.

If you need help call the Patent Electronic Business Center at (866)
217-9197 (toll free).

Reviewer: Anne Corrigan

Timestamp: [year=2009; month=2; day=17; hr=7; min=29; sec=14; ms=836;]

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Reviewer Comments:

<110> French, Gary
Anthony, Richard
Brown, Timothy

<120> Identification of Bacteria by Amplification and Probing

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<140> 09914176

<141> 2005-06-06

<150> PCT/GB00/00740

<151> 2000-03-01

<150> GB 9904804.3

<151> 1999-03-02

<160> 63

Although the above <160> response is "63," only 61 sequences are in the submitted sequence listing. Please see below:

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The above is the last sequence in the submitted file.

Application No: 09914176

Version No: 4.0

Input Set:

Output Set:

Started: 2009-01-29 17:24:25.355

Finished: 2009-01-29 17:24:26.496

Elapsed: 0 hr(s) 0 min(s) 1 sec(s) 141 ms

Total Warnings: 61

Total Errors: 1

No. of SeqIDs Defined: 63

Actual SeqID Count: 61

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Input Set:

Output Set:

Started: 2009-01-29 17:24:25.355
Finished: 2009-01-29 17:24:26.496
Elapsed: 0 hr(s) 0 min(s) 1 sec(s) 141 ms
Total Warnings: 61
Total Errors: 1
No. of SeqIDs Defined: 63
Actual SeqID Count: 61

Error code

Error Description

This error has occurred more than 20 times, will not be displayed

E 252

Calc# of Seq. differs from actual; 63 seqIds defined; count=61

SEQUENCE LISTING

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 Anthony, Richard
 Brown, Timothy

<120> Identification of Bacteria by Amplification and Probing

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<140> 09914176

<141> 2005-06-06

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